

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AVI & CO NY CORP.,

Plaintiff,

-v-

CHANNELADVISOR CORPORATION.,

Defendant.

22 Civ. 10599 (PAE)

NOTICE OF INITIAL PRETRIAL
CONFERENCE

PAUL A. ENGELMAYER, District Judge:

An initial pretrial conference is scheduled for **February 13, 2023, at 2:00 p.m.** This conference will be held telephonically. The parties should call into the Court's dedicated conference line at (888) 363-4749, and enter Access Code 468-4906, followed by the pound (#) key. **Counsel are directed to review the Court's Emergency Individual Rules and Practices in Light of COVID-19**, found at <https://nysd.uscourts.gov/hon-paul-engelmayer>, for the Court's procedures for telephonic conferences and for instructions for communicating with chambers. By the date of the initial pretrial conference, counsel for all parties are required to register as filing users in accordance with the Procedures for Electronic Case Filing. The parties are directed to review the Court's Individual Rules, found at <http://www.nysd.uscourts.gov/judge/Engelmayer>, for instructions on the methods for communicating with Chambers.

Counsel for the removing defendant are directed to file proof of service of its notice of removal and a copy of plaintiff's state court complaint promptly. Counsel for the removing defendant are also directed to serve a copy of this Order on each other party within 14 days following the date of this order; a copy of this Order must also be served with any subsequent

process that brings in additional parties, and proof of such service must be filed promptly with the Court. If the removing defendant's counsel is unaware of the identity of counsel for any of the other parties, he or she must forthwith send a copy of this Order to that party personally.

If any plaintiff has a response to defendant's notice of removal, that response must be submitted to the Court within 7 days of service of defendant's notice of removal. Any motion to remand the action to state court based on procedural defects in the removal must be filed within 30 days of removal. *See* 28 U.S.C. § 1447(c). Defendant must answer or present other defenses or objections under the deadlines detailed in Federal Rule of Civil Procedure 81(c)(2).


Counsel are further directed to confer prior to the conference regarding settlement and each of the other subjects to be considered at a Federal Rule of Civil Procedure 16 conference, and prepare a Civil Case Management Plan and Scheduling Order in accordance with the Court's Individual Rules, to be submitted to the Court no later than **February 9, 2023**.

No later than **February 9, 2023**, counsel are further directed to submit to the Court a joint letter, not to exceed three single-spaced pages in length, addressing the following topics in separate paragraphs: (1) a brief description of the case, including the factual and legal bases for the claim(s) and defense(s); (2) any contemplated motions; and (3) the prospect for settlement. For the Court's convenience, the parties are requested to set forth the date and time of the conference in the opening paragraph of the letter. One week prior to the date of the conference, the parties must send the Court two courtesy copies of all pleadings.

If this case has been settled or otherwise terminated, counsel are not required to appear, provided that a stipulation of discontinuance, voluntary dismissal, or other proof of termination is sent prior to the date of the conference via e-mail to the Orders and Judgment Clerk at the following e-mail address: orders_and_judgments@nysd.uscourts.gov.

All conferences with the Court are scheduled for a specific time; there is no other matter scheduled for that time; and counsel are directed to appear promptly. **All pretrial conferences must be attended by the attorney who will serve as principal trial counsel.** Requests for adjournment may be made only in a writing received no later than 2 business days before the conference. The written submission must comply with Section 1.E of the Court's Individual Rules. Unless counsel are notified that the conference has been adjourned, it will be held as scheduled.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: December 16, 2022
New York, New York